

STATE OF MICHIGAN
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES

IN THE MATTER OF:

██████████

Claimant

Reg. No: 2009-24584

Issue No: 2006; 4003

Case No: ██████████

Load No: ██████████

Hearing Date:

January 13, 2010

Wayne County DHS

ADMINISTRATIVE LAW JUDGE: Jonathan W. Owens

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 upon Claimant's request for a hearing. After due notice, a hearing was held on January 13, 2010. Claimant appeared and testified.

ISSUE

Did the Department properly deny Claimant's Medicaid (MA) and State Disability Assistance (SDA) application for failure to attend a medical consult?

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material and substantial evidence on the whole record, finds as a material fact:

1. On August 7, 2008, the Claimant applied for MA and SDA.
2. On September 30, 2008, additional medical was requested by the Medical Review Team in order to determine disability.
3. On December 6, 2008, an appointment letter was sent to the Claimant indicating he was scheduled for an orthopedic exam on December 17, 2008.

4. On December 17, 2008, the Claimant failed to appear for the exam.
5. On March 16, 2009, the Department denied the Claimant's application.
6. On March 30, 2009, the Claimant requested a hearing.

CONCLUSIONS OF LAW

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department of Human Services (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and MAC R 400.3151-400.3180. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

The Medicaid Assistance (MA) program is established by Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department of Human Services (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105. Department policies are found in the Program Administrative Manual (PAM), the Program Eligibility Manual (PEM) and the Program Reference Manual (PRM).

In the present case, Claimant requested a hearing on March 30, 2009. The Claimant requested a hearing because he alleges he never received the appointment scheduled by the Department for him to attend. The Department presented a copy of the appointment notice as part of their case. The Claimant testified he received other Department communications but failed to receive the appointment notice.

Policy BAM 260:

Client Cooperation

The client is responsible for providing evidence needed to prove disability or blindness. However, you must assist the customer

when they need your help to obtain it. Such help includes the following:

Scheduling medical exam appointments
Paying for medical evidence and medical transportation

See [BAM 815](#) and [BAM 825](#) for details.

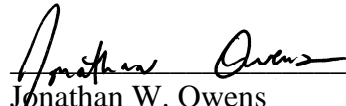
A client who refuses or fails to submit to an exam necessary to determine disability or blindness **cannot** be determined disabled or blind and you should deny the application or close the case. It is not necessary to return the medical evidence to MRT for another decision in this instance.

This Administrative Law Judge finds the Department did send an appointment notice to the Claimant and met its obligation to inform the Claimant of the necessary medical appointment. The Claimant failed to demonstrate there was a problem with mail service for his residence. Therefore, it is presumed, if mailed, the Claimant should have received the notice of the appointment. The Claimant failed to attend a requested appointment and the Department properly denied his application as prescribed by the above Department policy.

DECISION AND ORDER

The Administrative Law Judge, based upon the above findings of fact and conclusions of law, decides that the Department of Human Services was acting in compliance with Department.

Accordingly, the Department's decision is **AFFIRMED**.


Jonathan W. Owens
Administrative Law Judge
for Ismael Ahmed, Director
Department of Human Services

Date Signed: 03/23/10

Date Mailed: 03/24/10

NOTICE: Administrative Hearings may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. Administrative Hearings will not order a rehearing or reconsideration on the Department's

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motion where the final decision cannot be implemented within 90 days of the filing of the original request.

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the mailing of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

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